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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Stephen FIELD	
Serial No. 10/680,110	Art Unit: 3771
Filed: October 8, 2003	Examiner: Ostrup, Clinton T
For: VAVLES	Atty Docket: 0119/0027

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated August 4, 2009.

The examiner objects to claims 3-12 ostensibly because those claims depend from claim 15, "which is not a preceding independent claim". To support this objection, the examiner cites MPEP § 608.01(n).

A bedrock of patent prosecution is that claims may be cancelled and replacement claims added during the prosecution of the case. Ancillary to that is that if an independent claim was cancelled and replaced by a newly added independent claim, the dependency of the claims that had previously depended from the cancelled independent claim should be amended to depend from the newly added independent claim. Indeed, 37 CFR 1.126, as repeated in MPEP § 608.01 (j), requires that newly added claims be numbered "consecutively beginning with the number next following the highest numbered claim previously presented". When the application is allowed, the examiner then may renumber the claims consecutively in the order requested by the